



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
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COMMISSIONERS

Natasha Yakovlev, Chair
Helen Kahn
Jennifer Ewers

Administration, Licensing and Economic Development Coordinator

Annie Lesko

alesko@northamptonma.gov

MEETING MINUTES

Wednesday, May 3, 2023

Virtual Meeting

4:00 p.m.

The May 3, 2023, License Commission meeting was held via remote participation.

Join Virtual Meeting

- **Video Conference:** <https://us06web.zoom.us/j/84040507591?pwd=dVZoaE1DYzNyQ2NxK1RvOVRmUTI4UT09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 840 4050 7591, Password: 602630

1. **MEETING CALLED TO ORDER** by Commissioner Yakovlev at 4:02 p.m.
ROLL CALL - Commissioners Yakovlev, Kahn, and Ewers were all present
ANNOUNCEMENT OF ZOOM RECORDING made by Commissioner Yakovlev

2. **PUBLIC COMMENT**

Councilor Jarrett was present and stated his support of Bombyx and its mission but there needs to be a balance with the neighbors so he is in support of scheduling a public hearing relating to the entertainment license held by Bombyx.

Marisa Egerstrom, the new pastor at Florence Congregational Church, was present and stated Florence Congregational Church has been in Florence since 1861 and has always been a place of coming together. To that end, Marisa stated she is excited with what's been happening at Bombyx because when the church dwindled in size, Bombyx is bringing back to life the major components of what the church has always contributed to the community. Marisa furthered that there needs to be places to gather, to celebrate, and to connect with others and she hopes to be having more gatherings at Bombyx.

The clerk read the following email sent from Pat Mahar:

Hi, I am sending this email since I am out of town when the city will be holding its next meeting about one day liquor licenses. Bombyx is on the schedule to ask for licenses on the 12th, 13th and 27th from 3:00-11:00pm. In my opinion this is way too long and very unnecessary. Bombyx is in a residential neighborhood. Many nights the music is too loud for the venue and the neighbors suffer for it. I'm the past when they have had one day licenses the patrons can be very loud leaving. There has been yelling, and screaming and this is not necessary in this normally quiet section of Florence. I have sent emails to my city councilor about this. The parking is also a problem and folks drinking alcohol won't help it. I would appreciate it if the committee would listen to the neighbors and deny the one day licenses, or shorten the time the licenses will run. 6 hours is too long to be serving alcohol in a neighborhood setting. Thank you for any help with this. Pat Mahar, 4 Park Street

Cassandra Holden was present and stated Bombyx has always operated within the bounds of its agreement by monitoring sound levels and is in fact in compliance with the noise ordinance. Cassandra stated Bombyx has met with neighbors routinely and is doing its best to address sound issues and use mitigation resources. With all big projects with large budgets, things take time. Cassandra stated that Bombyx listens to its neighbors and tries to implement changes but Bombyx will never be silent and the neighborhood is never going back to its pre-pandemic quiet era because that is not what the church is all about. Cassandra pointed out that each ticket holder attending a show at Bombyx, it's said that they also spend an additional \$30 in the community on hotels, meals, etc. which is bringing new life into Florence of over \$2 million which is significant for the community so the character of the community is bound to change.

Corey Lynch, the owner of Drawing Board Brewing Company, stated he's seen a significant increase at his brewery because of all the people going to concerts at Bombyx. He stated Bombyx has been a huge success in driving additional business to Florence.

Em Ayers, Fundraising Lead at TransHealth, was present and stated that part of Bombyx's mission is creating safe space for the community and especially for the gender-diverse community we need to keep creating community spaces like these. Em stated they are seeing an influx in refugees seeking healthcare at TransHealth and art spaces like Bombyx so these safe spaces for people to be who they are are vital life-saving resources.

3. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE

Kiwanis Club of Northampton, Inc.

Date/Time: Saturday, June 3, 2023

Location: American Legion, 63 Riverside Dr., Florence, Parking Lot

Event: Beer and Cider Tasting

Type: Wine & Malt

The applicant asked to withdraw this application from the agenda prior to the meeting.

7. APPLICATIONS FOR SHORT-TERM LIQUOR LICENSES

Northampton Center for the Arts, Inc.

Location: 33 Hawley St.

Event: 33 Outside - Dance party

Type: Wine & Malt

Date/Time: Friday, June 9, 2023, 7 p.m. to 10:30 p.m.

Date/Time: Friday, July 14, 2023, 7 p.m. to 10:30 p.m.

Date/Time: Friday, August 11, 2023, 7 p.m. to 10:30 p.m.

Joanna Walker was present for these applications and stated this is the third year doing "33 Outside" parties and they have been successfully managed for the past two years in the outdoor parking lot. The DJs are down in the courtyard, with a food truck or two in the main parking area. There is a wristband system with board and staff members keeping an eye on the perimeter.

Commissioner Kahn moved to approve the applications for Northampton Center for the Arts, Inc. for 33 Outside Dance Parties on Friday, June 9, Friday, July 14, and August 11, 2023, from 7 p.m. to 10:30 p.m. and to include the fee waiver. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

11. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE

Northampton Jazz Festival, Inc.

Date/Time: Thursday, June 15, 2023, 6 p.m. to 7 p.m.

Event/Location: Jazz Film Night @ 33 Hawley St.

Type: Wine & Malt

Ruth Griggs was present for this application and stated there will be a very short reception for folks that are coming to the jazz film. There will be wine served with cheese and crackers.

Commissioner Ewers moved approval of the short-term liquor license for Northampton Jazz Festival, Inc. for Thursday, June 15, 2023, from 6 p.m. to 7 p.m. at 33 Hawley Street. Commissioner Kahn seconded. The motion was approved 3-0 by a roll call vote.

15. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE

Glasgow Lands Scottish Festival, Inc.

Date/Time: Saturday, July 15, 2023, 9:30 a.m. to 10 p.m.

Event/Location: Scottish Festival, Look Park, 300 N. Main St., Florence

Type: All Alcoholic

Peter Langmore was present for this application and stated this will be the 17th year. This year will be the second year for the scotch tasting and this year it will be at the Garden House run by Four Seasons with 45-minute sessions. Wristbands will be issued after checking IDs. Last year the festival was able to donate \$40,000 to two non-profit organizations. New City Brewery will be the company providing the beer.

Commissioner Kahn moved to approve the short-term liquor license for Glasgow Lands Scottish Festival, Inc. for Saturday, July 15, 2023, from 9:30 a.m. to 10 p.m. at Look Park contingent upon receiving liquor liability insurance. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

16. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE

White Lion Brewing Company

Date/Time: Wednesday, May 17, 2023, 4:30 p.m. to 7:30 p.m.

Event/Location: Social Gathering @ 33 Hawley St.

Type: Wine & Malt

Ray Berry was present for this application and said service will be handled by TIPS-certified staff.

Commissioner Kahn moved to approve the short-term liquor license for White Lion Brewing Company for May 17, 2023, from 4:30 p.m. to 7:30 p.m. at 33 Hawley Street for a social gathering. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

8. APPLICATIONS FOR FARM WINERY LIQUOR LICENSES TO SELL AT FARMERS' MARKETS AND AGRICULTURAL EVENTS

Easthampton Cider Project, Three Rivers, MA

Dates: April 29, 2023, through November 11, 2023

Times: Saturdays, 8 a.m. to 1 p.m.

Event: Northampton Farmers Market, Gothic Street

Dates: April 18, 2023, through November 7, 2023

Times: 1:30 p.m. to 6:30 p.m.

Event: Grow Food Tuesday's Market

Josh Bromage was present for these applications and stated he is looking to sell craft cider at the Tuesday Market and the Saturday Market in Northampton and has submitted his MDAR certificates from the state.

Commissioner Kahn recused herself from participating in this agenda item as manager of the Tuesday Market.

Commissioner Ewers moved to approve the farm winery liquor licenses to sell at farmers markets for Easthampton Cider Project for the Northampton Farmers Market on Gothic Street through November 11, 2023, and Grow Food's Tuesday Market through November 7, 2023. Commissioner Yakovlev seconded. The motion was approved 2-0 by a roll call vote.

4. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE

Transhealth, Florence

Date/Time: May 6, 2023, 8 to 10 p.m.

Event: After Party for Birthday Benefit @ Bombyx

Type: All Alcohol

Commissioner Yakovlev stated this is the first request to have alcohol at Bombyx and the presentation is sold out so she inquired how many people they are expecting and how it will be managed.

Em Ayers was present for this application and stated the event is free admission and will be held in the peacock room which has a capacity of 200. Someone will be at the door keeping track of how many people there will be. TransHealth has hired a police detail that will be in civilian clothes in the space to help make sure everyone is under control but don't anticipate there being any problems. There will be a TIPS-certified cocktail maker and a wristband system in place. Drinks will also be capped at three drinks per person.

Commissioner Yakovlev asked if there will be a specific cocktail menu.

Em Ayers stated there will be a specific cocktail menu and it will be a festive environment and an opportunity to raise additional funds for TransHealth. Fed By Foley will be providing a bounty of charcuterie for the event.

Commissioner Yakovlev pointed out that parking is a big issue and one of the concerns with liquor being served is that with high alcohol content will there be any parking attendants planned to help monitor what is going on outside so as to not block driveways, etc.

Em Ayers stated that Bombyx has staff that will support the event so there will be people to manage audience flow, direct people to different parking locations, directing people so that it's a smooth event from beginning to end.

Cassandra Holden stated she will have one paid staff and two volunteers to assist with cars during the evening and also to direct people to park as conscientiously as possible. Cassandra stated she sends out an email to all ticket holders in advance with parking information.

Commissioner Ewers asked if there are different parking arrangements for different events.

Cassandra Holden stated that depending on the number of attendees at a given event, there will always be one staff person. If the event is sold out they will add volunteers.

Commissioner Yakovlev stated she wouldn't normally be inclined to go with an all-alcohol license because of all the other concerns on the table but it sounds like a well-thought-out event.

Commissioner Kahn agreed with Commissioner Yakovlev and thought the answers were very thorough and hopes the event turns out well because it is obviously setting a precedent.

Commissioner Ewers echoed the same concerns with issuing the first all-alcohol short-term license in a residential neighborhood.

Em Ayers stated they hear the Commission's concerns and will do everything to make it a successful event so that it can happen in the future.

Commissioner Kahn moved to approve the short-term liquor license for TransHealth for May 6, 2023, from 8 p.m. to 10 p.m. at Bombyx for an after-party benefit. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

5. APPLICATION FOR A SHORT-TERM LIQUOR LICENSE

International Language Institute of Massachusetts

Date/Time: May 18, 2023, 5 p.m. to 9 p.m.

Event: Fundraiser @ Bombyx, 130 Pine St., Florence

Type: All Alcohol

Commissioner Yakovlev stated that she noticed the request is for an all-alcohol license but the application states New City Brewery is the distributor which only has beer.

Markus Jones was present for this application and stated the International Language Institute is having a similar event as it did last year in just a different location and are looking to have alcohol this year with three vendors that are Provisions, New City Brewery, and Murr-ma. The event will be split into two parts with the first part being a presentation and the second part with food, sushi drinks, and desserts.

The clerk pointed out that alcohol must be purchased from an authorized source identified by the ABCC and Provisions is not an authorized source. The clerk confirmed that Murr-ma is an authorized source.

Commissioner Yakovlev asked if the plan was to have Murr-ma conduct a tasting or if were they providing drinks.

Markus Jones stated that there was supposed to be a signature cocktail but Murr-ma has not been confirmed.

Commissioner Kahn noted her concern that the event is 15 days away without a confirmed liquor distributor and this is the last opportunity to get this license.

Commissioner Yakovlev stated she's willing to compromise and issue a wine and malt short-term license. She asked if tickets are being sold for the event.

Markus Jones stated it is a ticketed event but it is free to attend

Commissioner Kahn moved to approve the short-term liquor license for International Language Institute for May 18, 2023, from 5 p.m. to 9 p.m. at Bombyx for a wine and malt only license contingent upon receiving liquor liability insurance and a wine vendor. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

6. APPLICATION FOR SHORT-TERM LIQUOR LICENSES

Building 8 Brewing, 320 Riverside Dr.
Location: Bombyx, 130 Pine St., Florence
Event: Live Music
Type: Wine & Malt

Date/Time: Friday, May 12, 2023, 3 p.m. to 11 p.m.
Date/Time: Saturday, May 13, 2023, 3 p.m. to 11 p.m.
Date/Time: Saturday, May 27, 2023, 5 p.m. to 11 p.m.

O'Brian Tomalin wasn't immediately available for these applications.

Commissioner Yakovlev stated that the Commission needs to start having some type of balance. She pointed out that O'Brian does an excellent job and never has any issues with how he conducts his offerings but she would be in favor of a last call instead of serving until 11 p.m.

Cassandra Holden noted that the events on the 12th and 13th don't start until 6 p.m. and the event on the 27th starts at 7 p.m. and ends by 9 p.m.

O'Brian was now present for these applications and stated that he typically sees a push when the show starts and then when there is an intermission. Once the intermission is done he starts to clean up and will serve water and sodas to people. A lot of the time people will go out the front door and not pass back by us. There was one instance where a gentleman was drunk but he had only served him two beers so O'Brian gave him water and several bags of chips and made sure he had someone driving him home.

Commissioner Kahn pointed out that service doesn't need to go until the bitter end.

Commissioner Kahn moved to approve the short-term liquor licenses for Building 8 Brewing to serve at Bombyx on Friday, May 12 and 13, 2023, from 6 p.m. to 10 p.m. and May 27, 2023, from 6 p.m. to 9 p.m. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

9. PUBLIC HEARING ON AN APPLICATION FOR A CHANGE OF CLASSIFICATION ON A SEASONAL WINE & MALT RESTAURANT LICENSE

T. Roots, Inc. d/b/a T. Roots, 249 Main St.
Conversion from seasonal to annual

Commissioner Yakovlev moved to open the public hearing at 5:08 p.m. Commissioner Kahn seconded and the hearing was opened by a roll call vote 3-0.

Nicole Tsao was present for this application and stated she has had a seasonal license since opening T. Roots and her customer base is growing so she wants to be able to serve all year long.

Commissioner Yakovlev moved to close the public hearing at 5:09 p.m. Commissioner Kahn seconded and the hearing was closed by a roll call vote 3-0.

Commissioner Ewers moved to approve the change of classification on a seasonal wine and malt restaurant license for T. Roots, Inc. to an annual wine and malt restaurant license. Commissioner Kahn seconded. The motion was approved 3-0 by a roll call vote.

10. PUBLIC HEARING ON AN APPLICATION FOR A TRANSFER OF AN ANNUAL ALL-ALCOHOL RESTAURANT LICENSE AND A TRANSFER OF A COMMON VICTUALLER LICENSE

From: Pudding Lane, Inc. d/b/a Mama Iguana's, 271 Main St.
To: Mexcalito Taco-Bar, Inc., 271 Main St.
Proposed Manager: Jennifer Albury

Commissioner Yakovlev moved to open a public hearing at 5:11 p.m. Commissioner Kahn seconded and the hearing was opened by a roll call vote 3-0.

Jennifer Albury and Antonio Diaz were present for this application and stated they currently own the Taco-Bar restaurant in Amherst which opened in July 2021. They stated they've done well in Amherst and really have enjoyed the community and Antonio and Claudio Guerra have known each other for a few years so they're fortunate they were able to come to an agreement for a way forward.

Commissioner Yakovlev stated this is exciting for Northampton and asked what style of dining Amherst is.

Jennifer Albury stated the Amherst taco bar is a sit-down restaurant with take-out, two patios, and a bar.

Commissioner Kahn asked when they were opening.

Antonio Diaz stated they are working hard to get the space up and running in the best possible way. He stated he's excited to share their culture and talent in making food and drinks. In Amherst, they close at 1 a.m. and in Northampton, they're looking to do the same. The kitchen is always open and they never serve alcohol without food.

The clerk pointed out she needs a little more information regarding the square footage for the description of premises prior to sending the application to the ABCC.

Commissioner Yakovlev moved to close the public hearing at 5:16 p.m. Commissioner Kahn seconded and the public hearing was closed by a roll call vote 3-0.

Commissioner Ewers moved to approve the transfer of an annual all-alcohol restaurant license and transfer of a common victualler license for Mexcalito Taco-Bar, Inc. Commissioner Kahn seconded. The motion was approved 3-0 by a roll call vote.

12. APPLICATIONS FOR EXTENSION OF PREMISES INTO PUBLIC SPACES FOR THE PURPOSES OF TEMPORARY OUTDOOR DINING

- Iconica Social Club, LLC, 1 Amber Lane
 - 10 spots and the space in between in the Masonic Street parking lot

Commissioner Kahn moved approval of the temporary extension of premises for Iconica Social Club, LLC as shown on plan on file with the License Commission to include 10 parking spots in the Masonic Street parking lot contained by jersey barriers and planters, to include the sidewalk in between limited to transportation of alcoholic beverages only. Commissioner Ewers seconded. The motion passed unanimously 3-0 by a roll call vote.

- Washut & Ware, Inc. d/b/a Jake's Restaurant, 17 King St.
 - 130 sq. ft. on sidewalk for six patrons

Commissioner Kahn moved approval of the temporary extension of premises for Washut & Ware, Inc. d/b/a Jake's Restaurant as shown on plan on file with the License Commission to include approximately 130 sq. ft on the sidewalk for 6 patrons, to include the sidewalk in between limited to transportation of alcoholic beverages only through November 15, 2023. Commissioner Ewers seconded. The motion was approved unanimously 3-0 by a roll call vote.

- Brewster Court Pub, Inc. d/b/a Northampton Brewery, 11 Brewster Court
 - 1,500 sq. ft area in city-owned alley contiguous with the Brewery

Janet Egelston was present for this application and stated she will be serving outside on Brewster Court in the alleyway on Thursday evenings from 6 to 8 p.m. in June, July, and August. Brian Foote from the Arts Council will be programming the area. Janet stated she sees this area as an activated city parklet all the time with entertainment and service only on Thursdays. Fencing will be set up to control and contain the alcohol and no alcohol will be present at any time except between 6 and 8 p.m. on Thursdays.

The clerk clarified that Economic Development and the Mayor's Office are paying for the entertainment and buying tables and chairs for this area and Brian Foote is handling the programming of music. It will be a public parklet area 24/7 with public seating and the Brewery will only have outdoor dining on Thursday from 6 to 8 p.m. in June, July, and August.

Janet Egelston stated that the stage will be set up and broken down on Thursdays and only be there for the performances.

Commissioner Kahn moved approval of the temporary extension of premises for Brewster Court Pub, Inc. d/b/a Northampton Brewery as shown on plan on file with the License Commission to include approximately 1,500 sq. ft of space on Brewster Court cordoned off with planters and fencing on Thursday in June, July and August from 6 to 8 p.m. Commissioner Ewers seconded. The motion was approved unanimously 3-0 by a roll call vote.

- Gombo Oyster Bar, LLC, 159 Main St.
 - 3 parking spots on Main Street for 5 tables and 2 tables on the sidewalk

John Piskor was present for this application and stated he's hoping to have outdoor dining and serve alcohol as soon as his license is approved by the ABCC. He will not have any more than 20 seats outside and would also like to have two tables on the sidewalk abutting the restaurant and will use stanchions that were left by the previous tenant.

Commissioner Kahn moved approval of the temporary extension of premises for Gombo Oyster, LLC Bar as shown on plan on file with the License Commission to include 3 parking spots on Main Street and 2 tables on the sidewalk contiguous with the restaurant, to also include sidewalk in between limited to transportation of alcoholic beverages only. Commissioner Ewers seconded. The motion was approved unanimously 3-0 by a roll call vote.

- Think Tank Brewers, LLC d/b/a Progression Brewing Company, 9 Pearl St.
 - Tap wagon on Strong Ave for the purposes of Summer on Strong

Commissioner Kahn moved approval of the temporary extension of premises for Think Tank Brewers, Inc. d/b/a Progression Brewing Company as shown on plan on file with the License Commission for the purposes of Summer on Strong from May 30, 2023 through September 5, 2023. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

- Local Burger, Inc., 16 Main St.
 - 600 sq. ft. with 9 tables for the purposes of Summer on Strong

Commissioner Kahn moved approval of the temporary extension of premises for Local Burger, Inc. as shown on plan on file with the License Commission for the purposes of Summer on Strong to include 600 sq. ft. and the sidewalk in between limited to transportation of alcoholic beverages only from May 30, 2023, through September 5, 2023. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

- U.N.I., Inc. d/b/a Moshi Moshi, 4 Main St.
 - 4 tables, 16 chairs in roughly two parking spots for Summer on Strong

Commissioner Kahn moved approval of the temporary extension of premises for U.N.I., Inc. d/b/a Moshi Moshi as shown on plan on file with the License Commission for the purposes of Summer on Strong to include the sidewalk in between limited to transportation of alcoholic beverages only, from May 30, 2023, through September 5, 2023. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

13. APPLICATION FOR EXTENSION OF PREMISES ON PRIVATE PROPERTY FOR THE PURPOSES OF TEMPORARY OUTDOOR DINING

- Drawing Board Brewing Company, LLC, 36 Main St., Florence
 - Attached rear patio included in the lease

Corey Lynch was present for this application and stated he's looking to expand outside on his patio. When he used to receive short-term licenses before obtaining his pouring permit the events were always successful and there were never complaints from the neighbors.

Commissioner Kahn moved approval of the temporary extension of premises for Drawing Board Brewing Company, LLC as shown on plan on file with the License Commission to include the attached patio behind 36 Main Street. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

- Freedom Post 28, Inc. d/b/a American Legion, 63 Riverside Dr., Florence
 - 400 sq. ft. area of grass and parking lot delineated with planters

Jeff Findlay was present for this application and stated he plans to use a portion of the parking lot.

Commissioner Yakovlev asked if the hours outside will match the hours of the bar and Jeff confirmed that they will match.

Commissioner Yakovlev spoke about being a good neighbor because this is the first outdoor dining area that will be in a residential neighborhood. If any issues arise, she advised Jeff to address issues collaboratively with the neighbors.

Commissioner Kahn approval of the temporary extension of premises for Freedom Post 28, Inc. d/b/a American Legion as shown on plan on file with the License Commission to include 400 sq. ft. of space in the parking lot and grass area with a picnic table and four Adirondack chairs delineated with nine planters. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

14. APPLICATION FOR A NEW ENTERTAINMENT LICENSE

Brewster Court Pub, Inc. d/b/a Northampton Brewery, 11 Brewster Court
 Proposed entertainment: Live performances sponsored by the city on Thursdays from 6 to 8 p.m. in June, July, and August

This agenda item was discussed with the temporary extension of premises request in item #12.

Commissioner Kahn moved to approve the entertainment license for Brewster Court Pub, Inc. for Thursday evenings from 6 p.m. to 8 p.m. in June, July, and August, and the fee waiver. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

17. **DISCUSSION AND POSSIBLE VOTE TO SCHEDULE A PUBLIC HEARING TO AMEND THE ENTERTAINMENT LICENSE HELD BY BOMBYX CENTER FOR ARTS & EQUITY**

Commissioner Yakovlev mentioned the letter that was sent from the neighbors and it is included below for the record:

We are residents of Pine and Park Streets in Florence, and are writing to update you on the impacts to our neighborhood created by the Bombyx Center for Arts & Equity's usage of 130 Pine Street over the course of the roughly 18 months during which Bombyx has been in operation.

After over a year of consistent good faith outreach to Bombyx by our informal group of neighbors concerning the unreasonable disruption created by much of their programming, we are writing to request that the City of Northampton take steps to ensure that Bombyx's usage of the former Florence Congregational Church includes only events and activities that are compatible with, and respectful of, the residential community in which they are located.

When Bombyx first began using the historic property at 130 Pine Street, neighbors experienced negative impacts related primarily to noise, parking and traffic which had not existed when the property was used solely by a church congregation, synagogue and part-time cooperative preschool. As there had been no outreach from our new neighbor, a group of us initiated contact and requested a meeting. We also alerted our city representatives, Alex Jarrett and Rachel Maiore, and invited them to join what became a series of meetings. Our goals were to understand Bombyx's plans, air our concerns, and engage in a productive dialogue that would result in concrete steps to meet all parties' needs to the greatest extent possible. We also voiced our concerns at public hearings related to zoning and licensing of 130 Pine Street, after which Bombyx agreed to enter into an informal agreement with neighbors which included, among other items, organizing quarterly meetings.

We want to be clear that we support Bombyx's mission to advance arts and equity, and have supported their application for an entertainment license with the License Commission. We appreciate Bombyx's non-profit mission and have offered our support with their grant proposals. In writing this update about Bombyx's impact on our neighborhood, we are not seeking to shut down Bombyx nor curtail programming related to a particular genre of music. We are simply asking Bombyx to be good neighbors.

Throughout the past 18 months neighbors have acted in good faith in our communications and meetings with Bombyx and have held back from filing complaints with the City to give them time to address our concerns. We have tried, and will continue to try, to be good neighbors to Bombyx.

Please note that the neighbors who supported Bombyx in front of the licensing commission in October, 2022 were supporting their mission to prioritize community, the arts, and social justice. In practice, however, Bombyx appears to be using the property primarily as the home base for Laudable Productions, a concert and event production company. It is this use that creates the majority of the noise and disruption experienced by Bombyx's residential neighbors. And it is this use that neighbors raised concerns about in the rezoning and licensing hearings, during which we requested that the City take proactive measures to ensure that Bombyx's use of the property be appropriate for a residential community. All of these problems were predictable and avoidable, yet the City chose not to address them at the outset — we are frustrated that we have suffered the consequences and now have to advocate for what most neighborhoods take for granted.

To be fair, Bombyx has taken measures such as ending most amplified shows at 9/10pm and putting up signs asking patrons not to block driveways. These measures, however, have had little to no impact and far too much of Bombyx's usage of 130 Pine St. continues to negatively affect us. Compounding our concern, Bombyx is in the early stages of planning additional, expanded uses of 130 Pine Street, including seeking a liquor license.

Examples of persistent negative impacts:

Noise

- *Amplified indoor events: Many events, particularly during the evening, have generated noise at levels that are audible and disruptive to neighbors, even inside our homes with windows closed; it is far worse with windows open and makes use of our outdoor spaces completely dependent on their events. As we have observed to Bombyx on multiple occasions, they are putting far more sound into an old wood-framed church than it can be expected to contain (even with the sound transmission improvements they are planning), and the neighbors suffer for it. We can't imagine there is any neighborhood in Northampton which would find this level and frequency of noise and intrusion into their homes by a fellow neighbor reasonable or acceptable.*
- *Amplified outdoor events: At least 3 are scheduled for this summer. Past outdoor events were so loud that multiple neighbors could not use their outdoor spaces at all and noise could be heard throughout homes, again even with windows closed. Bombyx has not shared concrete plans to mitigate noise during this summer's outdoor events.*
- *Post-event noise and activity: Event end times do not mean the end of event impacts on neighbors. Often people linger outside after events, talking and yelling late into the night, sometimes fighting, smoking weed, slamming car doors and starting engines, wandering onto property and leaving trash in yards. This can go on for close to an hour after events.*
- *Event frequency: Please see Bombyx's online calendar of events; note: this calendar does not include private events or recurring weekly events. As you will see, Bombyx regularly holds multiple evening amplified events in the same week, making the negative impacts described above a frequent occurrence (out of nine recent consecutive evenings, there were events on eight of them).*

Parking/Traffic/Safety

- *Many cars are parked regularly on both sides of Pine Street from 130 Pine Street to Maple Street during Bombyx's events (especially evening events), creating safety concerns for walkers, cyclists and drivers, who must negotiate narrow spaces and inhibited visibility, including when pulling in or out of driveways. This is patently dangerous.*
- *Cars parked less than 3 ft. from driveways, blocking visibility and making access difficult and dangerous*
- *Cars partially blocking driveways*
- *Cars blocking fire hydrants*
- *Cars idling*

Only once, to our knowledge, has a neighbor called the police (when a car blocked a fire hydrant on 4-17-23 resulting in a ticketing), something none of us ever want to do. And at least once a neighbor left a note on a car which was blocking their driveway. We've let many similar incidents slide, again wanting to give Bombyx the benefit of the doubt that they would soon solve the problems and not wanting to disrupt their programming. To date, unfortunately, these problems persist.

Quarterly meetings with neighbors

We have reached out to Bombyx many times to establish a relationship, to communicate clearly the desires and concerns of the neighbors, and to find a pathway forward that serves all of our interests: In short, to be good neighbors to one another.

Our city counselors and several city committees in front of whom neighbors spoke recognized the efforts that we have made. The License Commission made these regular quarterly neighborhood meetings a condition when their license was granted, with the neighbors' support.

However, Bombyx has not held up their agreed upon responsibility to schedule quarterly meetings - the neighbors have had to initiate the meetings nearly every time. For example, we went 5-½ months between our Nov. 1 meeting and the next on April 17; this was despite the neighbors having asked for the next meeting to be scheduled since late January. Additionally, Bombyx has not followed up on information sharing that had been discussed and, we thought, agreed upon in our most recent meeting, including nailing down a firm date for our next meeting.

The neighbors have worked to be good neighbors to Bombyx, and will continue to do so; we expect the same in return. We feel that Bombyx is working to make Pine and Park Streets Northampton's new Pearl Street, with the City's knowledge and support. The measures Bombyx has taken to address noise, traffic, and parking have failed to produce lasting, meaningful solutions. While Bombyx has additional plans to further mitigate the noise/sound transmission and parking/traffic safety problems, it is clear to us that there is a fundamental mismatch between so much of their programming and the historic building and residential community in which they are located.

It is important to note that Bombyx has demonstrated that they are capable of using 130 Pine Street for artistic and cultural events that benefit the wider community with minimal disruption to the neighborhood. We fully support those types of events and usages. We do not support the church's repurposing as a concert venue.

At this point, it is clear to us that city action and intervention is urgently required. We therefore request that the City of Northampton take reasonable steps to restrict Bombyx's usage of 130 Pine Street to events and activities that are compatible with, and respectful of, the residential community in which they are located.

At a minimum, we request that the city require Bombyx to book their loud, disruptive events — especially the evening ones — in more appropriate venues until effective, independently tested sound transmission mitigation is in place. We also request that the city thoroughly and swiftly address the significant traffic, parking and safety issues described above.

Thank you for your consideration. We look forward to your responses and to working together with the City and with Bombyx to make this situation more sustainable for all involved.

Sincerely, Scott Laidlaw, 122 Pine Street; Florence Carrie Cuthbert, 122 Pine Street, Florence Patricia Mahar, 4 Park Street, Florence Lisa Chase, 114 Pine Street, Florence Bob Ethier, 114 Pine Street, Florence Stephanie Pasternak, 121 Pine Street, Florence Tom Sippel, 121 Pine Street, Florence Janet Bush, 119 Pine St., Florence Booker Bush, 119 Pine St., Florence Roger Sorkin, 14 Park St., Florence Eva Camacho, 14 Park St., Florence Heather Warner, 115 Pine St., Florence

Commissioner Yakovlev stated she was asked by neighbors to attend the April 17 neighborhood meeting at Bombyx. Cassandra Holden was there along with their sound engineer John Losito, as well as Kyle Homestead. Commissioner Yakovlev stated that she learned the quarterly meetings that Bombyx had agreed to hold with neighbors haven't been happening. The neighbors also asked to set the next quarterly meeting while they were there and it was agreed that a Doodle poll would be the best way to schedule it and as of the date of this License Commission meeting a Doodle poll has not been sent out yet. She furthered that there are real issues that need to be further discussed like compliance and the impact that Bombyx is having on the neighborhood. This is not to say that Bombyx isn't doing great things because it is and it's an important gathering space. Commissioner Yakovlev concluded by saying that the entertainment license and how it is being used needs to be looked at and the best way to do that is to have a public hearing.

Commissioner Kahn opined that she thinks a public hearing should be scheduled as well. At the time of approving the license, the Commission had a number of concerns and was banking on the fact that there would be good faith efforts to do what is possible to mitigate sound. She furthered that the neighbors were unbelievably nice about it and it seemed like they didn't want to say anything negative but at this point, people are in fact being impacted. Commissioner Kahn referenced the letter that the neighbors sent and appreciated that they outlined all the ways they've been impacted and it seems that there are a lot of things that the Commission asked for and haven't been done and also other things that the Commission doesn't have control over.

Commissioner Yakovlev stated that she'd like to schedule a decibel check by the building department before the public hearing. The volume of programming that is happening at Bombyx in a building that was built in the 1800s as a place for community and gathering, has now turned into an entertainment venue.

Commissioner Ewers asked since an outside event hasn't happened yet, should the Commission wait for an outdoor event or does it matter if the performance is indoors or outdoors?

Commissioner Yakovlev pointed out there is an outdoor event on May 27th so it would make sense to wait until the June meeting so that an outdoor event will have already happened.

Commissioner Kahn opined that there's no reason to delay it because the Commission was hoping that there would be some mitigation measures so the sooner the hearing the better.

Commissioner Kahn moved to schedule a public hearing for the formal review of the entertainment license held by Bombyx Center for Arts & Equity at the June 7, 2023, License Commission meeting. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

18. **EXECUTIVE SESSION PURSUANT TO M.G.L. C. 30A, SEC. 21 (A)(3) TO DISCUSS LITIGATION STRATEGY REGARDING THE MATTER OF PEARL STREET NIGHTCLUB, INC. V. NORTHAMPTON LICENSE COMMISSION, PENDING BEFORE THE MASSACHUSETTS ABCC, AN OPEN DISCUSSION OF WHICH WOULD HAVE A DETRIMENTAL EFFECT ON THE COMMISSION'S LITIGATING POSITION**

19. **APPROVAL OF MINUTES**
 - March 17, 2023
 - April 5, 2023

Commissioner Kahn moved to approve the March 17, 2023, and April 5, 2023, minutes as written. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.

20. **NEW BUSINESS**

None

21. **ADJOURN**

Commissioner Kahn moved to adjourn the meeting at 6:54 p.m. Commissioner Ewers seconded. The motion to adjourn passed 3-0 by a roll call vote.